Calendar No. 520

97TH CONGRESS
2d Session

SENATE

REPORT
No. 97-367

# SALE OF BLYTH ARENA, TAHOE NATIONAL FOREST, CALIF.

APRIL 28 (legislative day, APRIL 13), 1982.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

[To accompany H.R. 2863]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2863) to authorize the Secretary of Agriculture to sell the portion of the Tahoe National Forest known as the Blyth Arena, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

### PURPOSE OF THE MEASURE

The Act would authorize the Secretary of Agriculture to dispose of the Blyth Arena in Squaw Valley, California, by sale or exchange.

### BACKGROUND AND NEED

Blyth Arena is an ice skating facility located among private lands which are developed and include the base facilities of the Squaw Valley Ski Area within the Tahoe National Forest, Placer County, California.

The arena was constructed for the purpose of hosting world class ice skating events during the Eighth Winter Olympic Games held in Squaw Valley, California, in 1960. Congress authorized construction of the Blyth facility in the Act of April 3, 1958 (72 Stat. 78), and the Act of May 14, 1958 (72 Stat. 108).

These Acts do not contain any provision for sale, exchange, or other means of disposal of the property.

Both Acts specifically provide subsequent leasing of the arena to the State of California after the Eighth Winter Olympic Games. A reasonable share of the income derived by the State from use of the Arena would be paid to the United States as partial reimbursement for its share of the investment of the land, arena, and facilities.

Upon conclusion of the 1960 Winter Olympic Games, the facility was to continue to serve the public as a training center for figure skat-

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ing and recreational skating administered by the Forest Service. The State of California operated the Olympic Games facility as a training center for amateur ice skaters and for public recreational skating, under permit from the Forest Service.

In 1974, the State of California discontinued operation of the facility because the cost of operation exceeded income. Subsequent attempts to operate the facility have not been cost effective. Upon withdrawal of the United States Olympic Committee as the facility's most recent operator, the skating facility was closed.

According to the Department of Agriculture, the need for disposal of this property is apparently based on a 20-year history during which the ice skating facility has operated at an economic loss. Blyth Arena is the only publicly owned recreation facility in the highly developed Squaw Valley Ski Area complex. It is situated on a small, isolated parcel of National Forest land, completely encompassed by other privately owned commercial enterprises. In the opinion of the Administration, it would seem more likely that the economic viability of the ice skating facility would be improved if operated in conjunction with these other commercial enterprises. The lands involved are not needed for National Forest purposes.

## LEGISLATIVE HISTORY

H.R. 2863 passed the House on December 15, 1981. A hearing before the Public Lands and Reserved Water Subcommittee was held on February 11, 1982. At a business session on April 21, 1982, H.R. 2863 was ordered favorably reported without amendment.

## COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on April 21, 1982, by a unanimous vote of a quorum present recommended that the Senate pass H.R. 2863, without amendment.

The rollcall vote on reporting the measure was 18 yeas and 0 nays as follows:

YEAS

McClure
Hatfield
Domenici
Wallop
Warner
Humphrey
Murkowski
Nickles
East
Heinz
Jackson
Johnston [1]
Bumpers
Ford
Matsunaga [1]
Melcher
Tsongas [1]
Bradley

[1] Voted by proxy.

SECTION-BY SECTION ANALYSIS

Section 1, authorizes disposition of the specified property either by exchange, pursuant to general exchange authority of the Secretary of Agriculture, or by sale at public auction for not less than fair market value.

Section 2, provides that if the disposal of the property specified in section 1 is by sale, the proceeds of the sale shall be retained by the Secretary of Agriculture and used to acquire lands in California appropriate for inclusion in the National Forest System.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, D.C., April 22, 1982.*

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen, Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 2863, a bill to authorize the Secretary of Agriculture to sell the portion of the Tahoe National Forest known as the Blythe Arena, as ordered reported by the Senate Committee on Energy and Natural Resources, April 21, 1982.

The bill authorizes the Secretary of Agriculture to sell the Blythe ice skating arena and surrounding parking facilities and outbuildings. The income from this sale is to be used for acquisition of other lands in California. Based on information from the National Forest Service, no net cost is expected to be incurred as a result of enactment of this legislation.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of the Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 2863.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. H.R. 2863 would authorize the Secretary of Agriculture to dispose of the Blyth Arena in Squaw Valley, California, by sale or exchange.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if additional paperwork would result from the enactment of H.R. 2863.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Department of Agriculture setting forth the Executive Agency recommendations relating to H.R. 2863 are set forth as follows:

MARCH 30, 1982.

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 2863, an act "To authorize the Secretary of Agriculture to sell the portion of the Tahoe National Forest known as Blyth Arena."

The Department of Agriculture recommends that H.R. 2863 be enacted.

H.R. 2863 would authorize the Secretary of Agriculture to dispose of by exchange, pursuant to the General Exchange Act of March 20, 1922, as amended (16 U.S.C. 485, 486) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716, 1717) or to sell at public auction at fair market value, all right, title, and interest in approximately 5.2 acres of land and appurtenant structures at the site known as Blyth Arena. The specific land area is on the Tahoe National Forest and is depicted on a map entitled, "Blyth Arena Sale or Exchange Proposal," dated February 1981, which is on file in the office of the Chief, Forest Service, Department of Agriculture. Section 2 of the bill provides that any proceeds received from the sale of Blyth Arena are to be used for the acquisition of lands in the State of California by the Secretary of Agriculture. Such acquired lands which are determined by the Secretary to be suitable for National Forest purposes shall be permanently reserved, held, and administered as part of the National Forest System.

Blyth Arena is an ice skating facility located in among private lands which are developed and include the base facilities of the Squaw Valley Ski Area within the Tahoe National Forest, Placer County, California.

The arena was constructed for the purpose of hosting world class ice skating events during the Eighth Winter Olympic Games held in Squaw Valley, California, in 1960. Congress authorized construction of the Blyth facility in the Act of April 3, 1958 (72 Stat. 78), and the Act of May 14, 1958 (72 Stat. 108). Upon conclusion of the 1960 Winter Olympic Games, the facility was to continue to serve the public as a training center for figure skating and public recreational skating administered by the Forest Service. The State of California operated the Olympic Games facility as a training center for amateur ice skaters and for public recreational skating, under permit from the Forest Service.

In 1974, the State of California discontinued operation of the facility because the cost of operation exceeded income. Subsequent attempts to operate the facility have not been cost effective. With the withdrawal of the United States Olympic Committee as the facility's most recent operator, the skating facility is being closed.

The need for this legislation is based on the acts which authorized construction of the facility. The Acts of April 3, 1958, and May 14, 1958, do not contain any provision for sale, exchange, or other means of disposal of the property.

Both acts specifically provide that subsequent leasing of the arena to the State of California after the Eighth Winter Olympic Games would provide for a reasonable share of the income derived from the use to be made as payment to the United States to serve as partial reimbursement for the Government's share of the investment of the land, arena, and facilities.

The need for disposal of this property is apparently based on a 20-year history during which the ice skating facility has operated at an economic loss. Blyth Arena is the only publicly owned recreation facility in the highly developed Squaw Valley Ski Area complex. It is situated on a small, isolated parcel of National Forest land, completely encompassed by other privately owned commercial enterprises. It would seem more likely that the economic viability of the ice skating facility would be improved if operated in conjunction with these other commercial enterprises. The parcel of land upon which Blyth Arena is located, is not needed for National Forest purposes.

Enactment of H.R. 2863 would not result in any new costs to the Federal Government. Disposal of the property would eliminate a need for major Federal investment and continued maintenance of the facility. This proposal has been discussed with State and local authorities, the United States Olympic Committee, and other interested parties and their general response has been favorable.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN H. BLOCK, *Secretary.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act, H.R. 2863, as ordered reported.

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Calendar No. 521

97TH CONGRESS, 2d Session } SENATE { REPORT No. 97-368

# LAND CONVEYANCE LAKE LOWELL, BOISE PROJECT, IDAHO

APRIL 28 (legislative day, APRIL 13), 1982.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

[To accompany S. 982]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 982), to provide for the conveyance of certain Federal lands adjacent to Lake Shore Drive, Lake Lowell, Boise Project, Idaho, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

The amendments are as follows:

1. On page 1, strike line 7, and insert in lieu thereof:

Orchard and Lake Shore Drives, Lake Lowell, Boise Project, Idaho, to the.

2. Amend the title so as to read:

A bill to provide for the conveyance of certain Federal lands adjacent to Orchard and Lake Shore Drives, Lake Lowell, Boise Project, Idaho.

### PURPOSE OF THE MEASURE

S. 982 directs the Secretary of the Interior to convey certain tracts of public land to adjacent landowners near Lake Lowell, Boise Project, Idaho, at fair market value.

### BACKGROUND AND NEED

Early in this century, the Reclamation Service, the forerunner of the Bureau of Reclamation, acquired land south of Nampa, Idaho, for the construction of a reservoir on a canal fed by the Boise River.

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In 1909, the Lake Lowell dam was constructed and the lake filled to its present capacity. By Executive Order in 1937, the Deer Flat National Wildlife Refuge was created on the Federal lands surrounding Lake Lowell.

When Lake Shore and Orchard Drive were constructed around Lake Lowell, they did not follow the boundary of the federally acquired property. As a result, 33 parcels ranging in size from a fraction of an acre to several acres were isolated from Deer Flat Wildlife Refuge. Over the years these parcels were incorporated into the adjacent farm operations. Occupancy of these small acreages was not contested by the Government largely due to the parcel size and rural location, although the issue of the precise boundary location did surface several times.

In the early to mid 1970's when the processing of a construction loan application raised the title issue on some of the land, the Bureau of Reclamation began a boundary retracement survey for the 29 parcels of land along Lake Shore Drive and the four along Orchard Drive. The 33 strips were formally removed from the National Wildlife Refuge and the Boise Project Office prepared the individual plats and legal descriptions necessary to dispose of the land.

The problem with proceeding to a direct disposal of this property lies with the authority of the Bureau of Reclamation to dispose of this property. Federal Regulations require that property with an appraised value in excess of $1,000 must be sold by the General Services Administration (GSA) on a sealed bid basis. This process would not ensure that the persons currently occupying the small parcels would be the successful bidders if the parcels were sold by GSA.

S. 982 would provide for the adjacent landowner to the property receive title to the land by paying the fair market value of the property and certain administrative costs. The bill exempts those acquiring the Federal land from reimbursing the Government for any surveying and legal description prepartion costs.

## LEGISLATIVE HISTORY

S. 982 was introduced by Senators Symms and McClure on April 9, 1981. The Public Lands and Reserved Water Subcommittee heard testimony on S. 982 on February 11, 1982.

At a business session on April 21, 1982, S. 982 was ordered favorably reported with amendments.

## COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on April 21, 1982, by unanimous vote of a quorum present recommended that the Senate pass S. 982, if amended as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays as follows:

YEAS

McClure
Hatfield
Domenici
Wallop
Warner
Humphrey
Murkowski
Nickles
East
Heinz
Jackson
Johnston [1]
Bumpers
Ford
Matsunaga [1]
Melcher
Tsongas [1]
Bradley

[1] Voted by proxy.

COMMITTEE AMENDMENTS

The first amendment adds four parcels of land along Orchard Drive. These lands were inadvertently omitted from the bill as introduced and were recommended for inclusion by the Administration.

The second amendment corrects the title to conform with the addition of certain public lands located along Orchard Drive added by the first amendment.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of S. 982 has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, D.C., April 22, 1982.*

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 982, a bill to provide for the conveyance of certain federal lands adjacent to Orchard and Lake Shore Drives, Lake Lowell, Boise Project, Idaho, as ordered reported by the Senate Committee on Energy and Natural Resources, April 21, 1982.

This bill authorizes the Secretary of the Interior to convey certain parcels of land to adjacent landowners for fair market value. Based on information from the Bureau of Reclamation, it is estimated that during fiscal years 1982–1984 a total cost of approximately $50,000 will be incurred by the federal government for land surveys, appraisals, and preparation of legal descriptions associated with these conveyances, and a fair market value of approximately $350,000 will be received.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of the Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 982.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. S. 982 conveys certain public lands in Idaho to adjacent landowners at fair market value.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 982.

## EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications from the Department of the Interior setting forth Executive Agency recommendations relating ot S. 982 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., February 25, 1982.*

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources,*
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department concerning S. 982, a bill "To provide for the conveyance of certain Federal lands adjacent to Lake Shore Drive, Lake Lowell, Boise Project, Idaho."

We would support enactment of the bill if it is amended as suggested in this report.

The bill would authorize and direct the Secretary to convey to adjacent landowners for a fair market value, certain parcels of land to which the United States holds title. These lands are located immediately south of Lake Shore Drive, Lake Lowell, Idaho.

We recommend that the bill be amended to include four parcels along Orchard Drive. This amendment could be accomplished by adding the words "Orchard and" before the words "Lake Shore" each

time they appear in the bill and changing the word "Drive" to "Drives" each time it appears.

The lands in question were part of a much larger tract acquired at the turn of this century for the Lake Lowell Dam and Reservoir by the Bureau of Reclamation. Subsequently, the Deer Flat National Wildlife Refuge was created on lands surrounding the Lake, and Orchard and Lake Shore Drives were constructed around the Lake. Because the roads did not precisely follow the boundary of the Federal tract, a small strip of land adjacent to the roads was isolated from the other Federal lands. These separated lands, the lands now in question, were not thereafter used for Federal project purposes and were ostensibly not part of the Federal tract. Gradually, these parcels (the largest being about 12 acres) were occupied and used by adjacent landholders, who assumed they were part of their own tracts because there was no obvious boundary but the road. Some owners may, in fact, have paid taxes on the lands. In recent years, however, the question of title has created problems, and there is a need to resolve the matter. The Bureau has found the lands no longer necessary for project purposes.

The Department agrees that the equities of the situation favor sale of the lands to the adjacent landowners, for a fair market value as provided in the bill. However, the Bureau does not have the authority to sell this property to the adjacent landowners without legislation. We therefore support enactment of S. 982 as a fair resolution but we propose a further amendment.

We recomend the deletion of the words "but excluding" on page 2 lines 6 and 7 and the substitution of the word "and" in lieu thereof. S. 982 provides that the fair market value to be paid by the landowners exclude the costs to the Federal Government of conducting surveys and preparing legal descriptions of the land involved. Under current law and practice, purchasers of Federal lands pay these costs. There does not appear to be mitigating circumstances that would justify excluding these costs in this instance. Our suggested amendment specifies that the purchasers would pay these costs.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GARREY E. CARRUTHERS,
*Assistant Secretary.*

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by the bill, S. 982, as ordered reported.

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